REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 21, 2007 (hereinafter Office Action) have been considered. Claims 1-33 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-23, 26 and 29-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0201448 by Wang (hereinafter "*Wang*"). The Applicants respectfully traverse the rejection.

To anticipate a claim, the reference must teach every element of the claim. The Applicants respectfully submit that *Wang* does not teach all of the recitations of the claims alleged to be anticipated by *Wang*. For example, regarding the transmitting recitation of Claim 1, association request data that includes a unique ID is transmitted from the wireless node. The wireless node therefore sends an identifier, that uniquely identifies itself, to the controller. This unique ID of the wireless node may be, for example, assigned in connection with the manufacture of the wireless node (see, *e.g.*, Specification, page 13, lines 10-13). *Wang* is cited as teaching this, particularly in the abstract, figure 1, and paragraphs 0014, 0015, 0022 and 0031. The Applicants respectfully disagree that *Wang* teaches any identifiers that are respectively unique to the components B, R, S that are provided as set forth in this claim recitation. The cited portions of *Wang*, and *Wang* generally, only appear to indicate that a component can transmit a request for initialization, and *Wang* is silent as to transmitting any identifier that uniquely corresponds to the transmitting wireless node. For at least this reason, *Wang* does not teach all the limitations of Claim 1, and thus cannot anticipate Claim 1.

Claim 1 also recites sending association ID data assigned to the wireless node by the controller using the unique ID that was received by the wireless node to identify the wireless node as the intended recipient of the association ID data. Because *Wang* does not teach sending such a unique ID, it does not teach using such an ID to identify the intended wireless node. The cited portions of *Wang*, and *Wang* generally, only indicate that the control master transmits a unique ID code for the requesting system component; however nothing in *Wang* teaches that its control master receives any such unique identifier that is

11

later used by that control master in identifying the targeted wireless node. Claim 1 also involves the wireless node storing the received association ID data as a function of the unique ID, but again *Wang* does not teach that the components B, R, S store anything as a function of an identifier originating from that respective component. For at least these additional reasons, *Wang* does not teach all the limitations of Claim 1, and thus cannot anticipate Claim 1.

Independent Claim 17 also includes transmitting association request data from the wireless node, where the association request data includes a unique device ID for that wireless node. Claim 17 additionally includes limitations directed to the controller sending an association ID which is assigned to the wireless node by the controller using that unique device ID to determine the targeted wireless device, and further includes the wireless node storing the received association ID data as a function of the unique ID. For at least these claimed features, the arguments presented above in connection with Claim 1 are applicable, as *Wang* fails to teach at least these claimed features. Thus, *Wang* fails to anticipate independent Claim 17.

Independent Claim 23 includes transmitting association request data from a wireless thermostat, where the association request data includes a unique ID for that wireless thermostat. Claim 23 additionally includes limitations directed to the gateway sending association ID data which is assigned to the wireless thermostat by the gateway using that unique ID to determine the targeted wireless thermostat, and further includes the wireless thermostat storing the received association ID data as a function of the unique ID. For at least these claimed features, the arguments presented above in connection with Claim 1 are applicable, as *Wang* fails to teach at least these claimed features. Thus, *Wang* fails to anticipate independent Claim 23.

Independent Claim 29 includes means for transmitting association request data from the wireless node, where the association request data includes a unique device ID for that wireless node. Claim 17 additionally includes means for sending association ID data using that unique ID to identify the targeted wireless device, and further includes means for the wireless node to store the received association ID data as a function of the unique ID. For at least these claimed features, the arguments presented above in connection with Claim 1 are

12

applicable, as *Wang* fails to teach at least these claimed features. Thus, *Wang* fails to anticipate independent Claim 29.

Independent Claim 30 includes a wireless node configured to transmit association request data that includes a unique ID for that particular wireless node. Claim 30 further includes limitations directed to a controller sending association ID data which the controller assigns to the requesting wireless node using that unique ID to identify the targeted wireless node, and further includes the wireless node storing the received association ID data as a function of the unique ID. For at least these claimed features, the arguments presented above in connection with Claim 1 are applicable, as *Wang* fails to teach at least these claimed features. Thus, *Wang* fails to anticipate independent Claim 30.

For at least the aforementioned reasons, *Wang* fails to teach all the limitations of independent Claims 1, 17, 23, 29 and 30. To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102. Applicants respectfully submit that *Wang* does not teach every element of Claims 1, 17, 23, 29 and 30, and therefore fails to anticipate these independent claims.

It should be noted that other differences may exist between the claims and the *Wang* reference that were not specifically argued. However, *all* claim elements, and their limitations, must be found in the single prior art reference to maintain a rejection based on 35 U.S.C. §102, and establishing that even one such limitation is missing from the prior art is sufficient to overcome a §102 rejection. Thus, there is no need to address every other possible distinction, and any other differences not specifically addressed herein is not an acknowledgment that such other elements are taught by *Wang*.

Claims 2-16 are dependent from independent Claim 1; Claims 18-22 are dependent from independent Claim 17; Claim 26 is dependent from independent Claim 23; and Claims 31-33 are dependent from independent Claim 30. Each of these dependent Claims 2-16, 18-22, 26 and 31-33 also stand rejected under 35 U.S.C. §102(e) as being anticipated by *Wang*. While Applicants do not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency, these rejections are moot in view of the remarks made in connection with independent Claims 1, 17, 23 and 30. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent Claims 2-16, 18-22, 26 and 31-33 are also in condition for allowance over the cited art.

Claims 24 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang and further in view of U.S. Patent No. 6,349,883 to Simmons et al. (hereinafter *"Simmons"*). The Applicants respectfully traverse the rejection. The Examiner relies on *Wang* as teaching all of the limitations of Claim 23, from which Claims 24 and 25 are dependent. *Simmons* is not cited as disclosing, nor does it disclose, the claimed features that are not taught by *Wang*. Accordingly, a combination of *Wang* and *Simmons* does not teach at least the limitations of independent Claim 23. The combination of *Wang/Simmons* also fails to suggest claimed recitations such as transmitting association request data from the wireless node, where the association request data includes a unique device ID for that wireless node, where a controller sends association ID data using that unique ID to identify the targeted wireless device, and where the wireless node stores the received association ID data as a function of the unique ID. Because the prior art references must teach or suggest all of the claim limitations to establish *prima facie* obviousness (see, *e.g.* M.P.E.P. § 2143), and because the combination of *Wang* and *Simmons* fails to teach or suggest at least all of the Claim 23 from which Claims 24 and 25 are dependent, *prima facie* obviousness is also not established for dependent Claims 24 and 25.

The Applicants further do not acquiesce that *Simmons* teaches what is set forth in the Office Action as being taught by *Simmons*. Particularly, Claim 24 indicates that the association ID at the controller is used to label compliance data associated with a wireless

14

thermostat in order to identify which wireless thermostat was the source of that compliance data. Claim 25 indicates that the wireless thermostat's compliance data is then sent from the gateway to a utility provider. The cited paragraphs of *Simmons* have been reviewed, yet the Applicants respectfully submit that *Simmons* does not appear to describe using the generated association ID to label wireless thermostat compliance data that indicates compliance with utility control messages. Consequently, the Applicants contend that *Simmons* does not teach what it is purported to teach, further demonstrating that the *Wang/Simmons* combination does not teach or suggest all of the claim limitations of Claims 24 and 25. For at least these additional reasons, it is respectfully submitted that *prima facie* obviousness has not been established for dependent Claims 24 and 25.

Claims 27 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang and further in view of U.S. Patent No. 5,886,647 to Badger et al. (hereinafter "*Badger*"). The Applicants respectfully traverse the rejection. The Examiner relies on *Wang* as teaching all of the limitations of Claim 23, from which Claims 27 and 28 are dependent. *Badger* is not cited as disclosing, nor does it disclose, the claimed features that are not taught by *Wang*. Accordingly, a combination of *Wang* and *Badger* does not teach at least the limitations of independent Claim 23. The combination of *Wang/Badger* also fails to suggest claimed recitations such as transmitting association request data from the wireless node, where the association request data includes a unique device ID for that wireless node, where a controller sends association ID data using that unique ID to identify the targeted wireless device, and where the wireless node stores the received association ID data as a function of the unique ID. Because the prior art references must teach or suggest all of the claim limitations to establish *prima facie* obviousness (see, *e.g.* M.P.E.P. § 2143), and because the combination of *Wang* and *Badger* fails to teach or suggest at least all of the Claim 23 from which Claims 27 and 28 are dependent, *prima facie* obviousness is also not established for dependent Claims 27 and 28.

As set forth in M.P.E.P § 2143, there are three requirements required to establish *prima facie* obviousness. A *prima facie* case of obviousness is not established if any one or more of these requirements are not met. Because the combinations of references do not teach or suggest all the limitations in Claims 24, 25, 27 and 28 which are subject to the

15

rejection under 35 U.S.C. §103, it is respectfully submitted that *prima facie* obviousness is not established for these claims. However, the Applicants do not acquiesce with the stated motivations for the *Wang/Simmons* or *Wang/Badger* combinations. While the Applicant does not acquiesce that the proper motivation to combine the cited references has been established and/or the reasonable expectation of success has been established, it is respectfully submitted that *prima facie* obviousness is not established at least because all claim limitations are not taught or suggested by the cited combinations.

Authorization is given to charge Deposit Account No. 50-3581 (HONY.015PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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16